



General Assembly

January Session, 2009

***Raised Bill No. 6340***

LCO No. 2734

\*02734\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

***AN ACT CONCERNING JUDICIAL BRANCH OPENNESS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 51-14 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2009*):

3 (a) The judges of the Supreme Court, the judges of the Appellate  
4 Court, and the judges of the Superior Court shall adopt and  
5 promulgate and may from time to time modify or repeal rules and  
6 forms regulating pleading, practice and procedure in judicial  
7 proceedings in courts in which they have the constitutional authority  
8 to make rules, for the purpose of simplifying proceedings in the courts  
9 and of promoting the speedy and efficient determination of litigation  
10 upon its merits. The rules of the Appellate Court shall be as consistent  
11 as feasible with the rules of the Supreme Court to promote uniformity  
12 in the procedure for the taking of appeals and may dispense, so far as  
13 justice to the parties will permit while affording a fair review, with the  
14 necessity of printing of records and briefs. Such rules shall not abridge,  
15 enlarge or modify any substantive right or the jurisdiction of any of the  
16 courts. Subject to the provisions of subsection (b) of this section, such

17 rules shall become effective on such date as the judges specify but not  
18 in any event until sixty days after such promulgation.

19 (b) [All statutes relating to pleading, practice and procedure in  
20 existence on July 1, 1957, shall be deemed to be rules of court and shall  
21 remain in effect as such only until modified, superseded or suspended  
22 by rules adopted and promulgated by the judges of the Supreme Court  
23 or the Superior Court pursuant to the provisions of this section.] The  
24 Chief Justice shall report any [such] rules adopted and promulgated,  
25 or modified, superseded or suspended, by the judges of the Supreme  
26 Court, the judges of the Appellate Court or the judges of the Superior  
27 Court pursuant to the provisions of this section to the General  
28 Assembly for study at the beginning of each regular session. Such rules  
29 shall be referred by the speaker of the House or by the president of the  
30 Senate to the judiciary committee for its consideration and such  
31 committee shall schedule hearings thereon. Any rule or any part  
32 thereof disapproved by the General Assembly by resolution shall be  
33 void and of no effect and a copy of such resolution shall thereafter be  
34 published once in the Connecticut Law Journal.

35 (c) The judges or a committee of their number shall hold public  
36 hearings, of which reasonable notice shall be given in the Connecticut  
37 Law Journal and otherwise as they deem proper, upon any proposed  
38 new rule or any change in an existing rule that is to come before said  
39 judges for action, and each such proposed new rule or change in an  
40 existing rule shall be published in the Connecticut Law Journal as a  
41 part of such notice. A public hearing shall be held at least once a year,  
42 of which reasonable notice shall likewise be given, at which any  
43 member of the bar or layman may bring to the attention of the judges  
44 any new rule or change in an existing rule that he deems desirable.

45 (d) Upon the taking effect of such rules adopted and promulgated  
46 by the judges of the Supreme Court pursuant to the provisions of this  
47 section, all provisions of rules theretofore promulgated by the judges  
48 of the Superior Court shall be deemed to be repealed.

49       Sec. 2. Section 51-44a of the general statutes is repealed and the  
50       following is substituted in lieu thereof (*Effective October 1, 2009*):

51       (a) There is established a Judicial Selection Commission comprised  
52       of twelve members. Six of the members shall be attorneys-at-law and  
53       six of the members shall not be attorneys-at-law. Not more than six of  
54       the members shall belong to the same political party. None of the  
55       members shall be an elected or appointed official of the state or hold  
56       state-wide office in a political party.

57       (b) The members of the commission shall be appointed as follows:  
58       The Governor shall appoint six members, one from each congressional  
59       district and one at-large member, three of whom shall be attorneys-at-  
60       law and three of whom shall not be attorneys-at-law; the president pro  
61       tempore of the Senate shall appoint one member who shall be an  
62       attorney-at-law; the speaker of the House of Representatives shall  
63       appoint one member who shall not be an attorney-at-law; the majority  
64       leader of the Senate shall appoint one member who shall not be an  
65       attorney-at-law; the majority leader of the House of Representatives  
66       shall appoint one member who shall be an attorney-at-law; the  
67       minority leader of the Senate shall appoint one member who shall not  
68       be an attorney-at-law; and the minority leader of the House of  
69       Representatives shall appoint one member who shall be an attorney-at-  
70       law.

71       (c) The members of the commission shall elect a chairperson from  
72       among the members appointed by the Governor.

73       (d) (1) The members of the commission shall serve for terms of three  
74       years.

75       (2) Members appointed on or after June 26, 2003, shall serve for  
76       terms of three years and, notwithstanding the provisions of section 4-1,  
77       until their successors are appointed and have qualified or ninety days  
78       after the completion of their terms, whichever is earlier.

79 (3) Members serving on June 26, 2003, shall continue to serve as  
80 members until the end of their terms and, notwithstanding the  
81 provisions of section 4-1, until their successors are appointed and have  
82 qualified or ninety days after the completion of their terms, whichever  
83 is earlier, except that members serving on June 26, 2003, who have  
84 completed their terms and are serving until their successors are  
85 appointed and have qualified shall, notwithstanding the provisions of  
86 section 4-1, continue to serve until their successors are appointed and  
87 have qualified, but not later than January 1, 2004.

88 (4) Any vacancy in the membership of the commission shall be filled  
89 for the unexpired portion of the term by the appointing authority. The  
90 members of the commission shall receive no compensation for their  
91 services but shall be reimbursed for any necessary expenses incurred  
92 in the performance of their duties.

93 (5) No member of the commission may serve consecutive terms,  
94 except that if, on or after June 26, 2003, a person is appointed a  
95 member of the commission to fill a vacancy and complete an  
96 unexpired term, such person may serve an additional term. If a  
97 commission member is an attorney, no member of the commission  
98 member's firm may serve a term consecutive to such commission  
99 member.

100 (e) The commission shall evaluate incumbent judges who seek  
101 reappointment to the same court, and incumbent state referees who  
102 seek reappointment, and shall forward to the Governor for  
103 consideration the names of incumbent judges and state referees who  
104 are recommended for reappointment as provided in this subsection.  
105 The commission shall adopt regulations, in accordance with the  
106 provisions of chapter 54, concerning criteria by which to evaluate  
107 incumbent judges who seek reappointment to the same court [;  
108 provided pending adoption of such regulations, the commission shall  
109 use criteria established prior to June 22, 1989, for the evaluation of such  
110 judges] and incumbent state referees who seek reappointment. In

111 evaluating the reappointment of an incumbent judge or state referee,  
112 the commission shall consider the legal ability, competence, integrity,  
113 character and temperament of such judge or state referee and any  
114 other relevant information concerning such judge or state referee.  
115 There shall be a presumption that each incumbent judge who seeks  
116 reappointment to the same court or incumbent state referee who seeks  
117 reappointment qualifies for retention in judicial office. The burden of  
118 rebutting such presumption shall be on the commission. The  
119 commission shall investigate and interview each incumbent judge and  
120 state referee who seeks reappointment and, prior to the expiration of a  
121 term of office of such judge or state referee, shall recommend such  
122 incumbent judge or state referee for nomination for reappointment by  
123 the Governor [to the same court] unless, as provided in this subsection,  
124 recommendation of such judge or state referee is denied. If a  
125 preliminary examination indicates further inquiry is necessary before a  
126 recommendation of reappointment may be made, the commission shall  
127 hold a hearing concerning the reappointment of such judge or state  
128 referee. The commission shall send notice to the judge or state referee  
129 by certified or registered mail, return receipt requested, not less than  
130 one hundred eighty days prior to the convening of such legislative  
131 session which is to consider the reappointment of the incumbent judge  
132 or state referee, (A) that a hearing by the commission on such  
133 reappointment shall be held and of the time, date and place of such  
134 hearing, which shall be not less than thirty days [nor] or more than  
135 forty-five days after the date of such notice, and (B) of specific claims  
136 made against the judge or state referee. The commission shall make a  
137 record of all hearings conducted pursuant to this subsection. The  
138 hearing may be open to the public at the request of the judge or state  
139 referee. For the purposes of conducting a hearing under this  
140 subsection, not less than ten members of the commission shall be  
141 present and voting. A judge or state referee appearing before such a  
142 hearing shall be entitled to counsel, to present evidence and to cross-  
143 examine witnesses who appear voluntarily. No judge or state referee  
144 shall be required to sign or execute any release in order to proceed

145 with the hearing. The commission shall, not later than twenty days  
146 after the close of such hearing, render its decision whether it shall  
147 recommend such incumbent judge or state referee for nomination for  
148 reappointment by the Governor. Any affirmative vote of a majority  
149 plus one of the members present and voting shall be required to deny  
150 recommendation to the Governor for nomination of an incumbent  
151 judge for reappointment to the same court or for nomination of an  
152 incumbent state referee for reappointment. A judge or state referee  
153 who has not received approval by the commission may, within ten  
154 days after receipt of the notice of decision, which shall include a record  
155 of the numerical vote, request a rehearing on the grounds that the  
156 conclusions of the commission are contrary to the evidence presented  
157 at the hearing or the commission failed to comply with the procedural  
158 or substantive requirements of this section. The decision of the  
159 commission shall be final. There shall be no right of appeal by any  
160 judge or state referee appearing before the commission, at law or in  
161 equity, or any resort to any court following the decision of the  
162 commission.

163 (f) Except as provided in subsection (e) of this section, the  
164 commission shall seek qualified candidates for consideration by the  
165 Governor for nomination as judges for the Superior Court, Appellate  
166 Court and Supreme Court. The commission shall adopt regulations, in  
167 accordance with the provisions of chapter 54, concerning criteria by  
168 which to evaluate the qualifications of candidates, including  
169 incumbent judges who seek appointment to a different court. The  
170 commission shall investigate and interview the candidates, including  
171 incumbent judges seeking appointment to a different court. A list of  
172 such qualified candidates shall be compiled by the commission. Such  
173 list shall be confidential and not open to the public or subject to  
174 disclosure, except that the names of qualified candidates for the  
175 position of associate judge or Chief Justice of the Supreme Court shall  
176 be available to the public.

177 (g) In connection with any inquiry concerning the reappointment of

178 an incumbent judge or state referee, the commission shall have the  
 179 power to issue subpoenas requiring the attendance of witnesses and  
 180 the production of any books or papers which in the judgment of the  
 181 commission are relevant to the inquiry. The commission may, upon  
 182 request of the judge or state referee whose reappointment is at issue,  
 183 issue a subpoena on behalf of such judge or state referee. If any person  
 184 disobeys such process or, having appeared in obedience thereto  
 185 refuses to answer any pertinent question put to [him] such person by  
 186 the commission [,] or to produce any books and papers pursuant  
 187 thereto, the commission, on its own behalf or on behalf of the judge or  
 188 state referee, may apply to the superior court for the judicial district of  
 189 Hartford setting forth such disobedience to process or refusal to  
 190 answer, and [said] the court may cite such person to appear before  
 191 [said] the court to answer such question or to produce such books and  
 192 papers and, upon [his] such person's refusal [so] to do so, shall commit  
 193 [him] such person to a community correctional center, there to remain  
 194 until [he] such person so testifies.

195 (h) (1) Judges of all courts, except those courts to which judges are  
 196 elected, shall be nominated by the Governor exclusively from the list of  
 197 candidates or incumbent judges submitted by the Judicial Selection  
 198 Commission. Any candidate or incumbent judge who is nominated  
 199 from such list by the Governor to be Chief Justice of the Supreme  
 200 Court, and who is appointed Chief Justice by the General Assembly,  
 201 shall serve a term of eight years from the date of appointment. The  
 202 Governor shall nominate a candidate for a vacancy in a judicial  
 203 position within forty-five days of the date the Governor receives the  
 204 recommendations of the commission. When considering the  
 205 nomination of an incumbent judge for reappointment to the same  
 206 court, the Governor may nominate the incumbent judge if the  
 207 commission did not deny recommendation for reappointment.  
 208 Whenever an incumbent judge is denied recommendation for  
 209 reappointment to the same court by the commission or is  
 210 recommended by the commission but not nominated by the Governor  
 211 for reappointment to the same court, or whenever a vacancy in a

212 judicial position occurs or is anticipated, the Governor shall choose a  
213 nominee from the list of candidates compiled pursuant to subsection  
214 (f) of this section.

215 (2) Notwithstanding the provisions of subdivision (1) of this  
216 subsection and subsection (f) of this section, the Governor may  
217 nominate an associate judge of the Supreme Court to be Chief Justice  
218 of the Supreme Court without such judge being investigated and  
219 interviewed by the commission and being on the list of qualified  
220 candidates compiled and submitted to the Governor by the  
221 commission. An associate judge of the Supreme Court who has been  
222 nominated by the Governor to be Chief Justice of the Supreme Court in  
223 accordance with this subdivision, and who is appointed Chief Justice  
224 by the General Assembly, shall serve an initial term as Chief Justice  
225 equal to the remainder of such judge's term as an associate judge of the  
226 Supreme Court.

227 (3) When considering the nomination of an incumbent state referee  
228 for reappointment, the Governor may nominate the incumbent state  
229 referee if the commission did not deny recommendation for  
230 reappointment.

231 (i) A majority of the membership of the commission shall constitute  
232 a quorum. The affirmative vote of at least a majority of the members of  
233 the commission present and voting shall be required for any action by  
234 the commission, except (1) an affirmative vote of at least a majority  
235 plus one of the members present and voting shall be required for a  
236 new nominee to be recommended to the Governor for nomination as a  
237 judge or for an incumbent judge to be recommended to the Governor  
238 for nomination as a judge to a different court, and (2) an affirmative  
239 vote of a majority plus one of the members present and voting shall be  
240 required to deny recommendation to the Governor for nomination of  
241 an incumbent judge for reappointment to the same court or for  
242 nomination of an incumbent state referee for reappointment. No vote  
243 of the commission on a new nominee shall be by secret ballot. The vote



244 of the commission on an incumbent judge or state referee may be by  
245 secret ballot. The total affirmative and negative votes of the  
246 membership of the commission to recommend an incumbent judge for  
247 reappointment to the same court or appointment to a different court or  
248 to recommend an incumbent state referee for reappointment shall be  
249 available to the public.

250 (j) Except as provided in subsections (e), ~~(f)~~, (i) and (m) of this  
251 section, the investigations, deliberations, files and records of the  
252 commission shall be confidential and shall not be open to the public or  
253 subject to disclosure, except that the criteria by which candidates, [or]  
254 incumbent judges who seek reappointment to the same court or  
255 appointment to a different court or incumbent state referees who seek  
256 reappointment are evaluated and the procedural rules adopted by the  
257 commission shall be public.

258 (k) The commission may employ such staff as is necessary for the  
259 performance of its functions and duties.

260 (l) No member of the commission who is an attorney-at-law shall be  
261 considered for recommendation to the Governor for nomination as a  
262 judge during [his] such member's tenure on the commission or for a  
263 period of two years following the termination of [his] such member's  
264 tenure on the commission.

265 (m) In January of each year, the chairperson of the commission shall  
266 report to the joint standing committee [on] of the General Assembly  
267 having cognizance of matters relating to the judiciary the following  
268 information: (1) The number of candidates interviewed for  
269 appointment as new nominees, the number of incumbent judges  
270 interviewed for reappointment to the same court, [and] the number of  
271 incumbent judges interviewed for appointment to a different court and  
272 the number of incumbent state referees interviewed for reappointment,  
273 (2) the number of candidates who were recommended and denied  
274 recommendation to the Governor as new nominees, the number of  
275 incumbent judges recommended and denied recommendation for

276 [appointment] reappointment to the same court, [and] the number of  
277 incumbent judges recommended and denied recommendation for  
278 appointment to a different court and the number of incumbent state  
279 referees recommended and denied recommendation for  
280 reappointment, and (3) the statistics regarding the race, gender,  
281 national origin, religion and years of experience as members of the bar  
282 of all such candidates.

283 (n) The commission [shall have the power to] may enter into such  
284 contractual agreements as may be necessary for the discharge of its  
285 duties concerning the investigation of candidates seeking appointment  
286 to a judicial position, [and] incumbent judges seeking reappointment  
287 to the same court or appointment to a different court and incumbent  
288 state referees seeking reappointment, within the limits of appropriated  
289 funds and in accordance with established procedures.

290 Sec. 3. Subsection (a) of section 51-50l of the general statutes is  
291 repealed and the following is substituted in lieu thereof (*Effective*  
292 *October 1, 2009*):

293 (a) Each senior judge who ceases to hold office as a senior judge  
294 because of having reached the age of seventy years and who is an  
295 elector and a resident of this state shall be a state referee for the  
296 remainder of [his] such senior judge's term of office as a judge and  
297 shall be eligible for appointment as a state referee during the  
298 remainder of [his] such senior judge's life in the manner prescribed by  
299 law for the appointment of a judge of the court of which [he] such  
300 senior judge is a member, subject to the provisions of section 51-44a, as  
301 amended by this act.

302 Sec. 4. Subsection (a) of section 52-434 of the general statutes is  
303 repealed and the following is substituted in lieu thereof (*Effective*  
304 *October 1, 2009*):

305 (a) (1) Each judge of the Supreme Court, each judge of the Appellate  
306 Court, each judge of the Superior Court and each judge of the Court of

307 Common Pleas who ceases or has ceased to hold office because of  
308 retirement other than under the provisions of section 51-49 and who is  
309 an elector and a resident of this state shall be a state referee for the  
310 remainder of such judge's term of office as a judge and shall be eligible  
311 for appointment as a state referee during the remainder of such judge's  
312 life in the manner prescribed by law for the appointment of a judge of  
313 the court of which such judge is a member, subject to the provisions of  
314 section 51-44a, as amended by this act. The Superior Court may refer  
315 any civil [.] nonjury case or with the written consent of the parties or  
316 their attorneys, any civil jury case pending before the court in which  
317 the issues have been closed to a judge trial referee who shall have and  
318 exercise the powers of the Superior Court in respect to trial, judgment  
319 and appeal in the case, and any proceeding resulting from a demand  
320 for a trial de novo pursuant to subsection (e) of section 52-549z may be  
321 referred without the consent of the parties to a judge trial referee who  
322 has been specifically designated to hear such proceedings pursuant to  
323 subsection (b) of this section. The Superior Court may, with the  
324 consent of the parties or their attorneys, refer any criminal case to a  
325 judge trial referee who shall have and exercise the powers of the  
326 Superior Court in respect to trial, judgment, sentencing and appeal in  
327 the case, except that the Superior Court may, without the consent of  
328 the parties or their attorneys, (A) refer any criminal case, other than a  
329 criminal jury trial, to a judge trial referee assigned to a geographical  
330 area criminal court session, and (B) refer any criminal case, other than  
331 a class A or B felony or capital felony, to a judge trial referee to preside  
332 over the jury selection process and any voir dire examination  
333 conducted in such case, unless good cause is shown not to refer.

334 (2) Each judge of the Circuit Court who has ceased to hold office  
335 because of retirement other than under the provisions of section 51-49  
336 and who is an elector and a resident of this state shall be a state referee  
337 for the remainder of such judge's term of office as a judge and shall be  
338 eligible for appointment as a state referee during the remainder of such  
339 judge's life in the manner prescribed by law for the appointment of a  
340 judge of the court of which such judge is a member, subject to the

341 provisions of section 51-44a, as amended by this act, to whom the  
342 Superior Court may, with the written consent of the parties or their  
343 attorneys, refer any case pending in court in which the issues have  
344 been closed and which the judges of the Superior Court may establish  
345 by rule to be the kind of case which may be heard by such referees  
346 who have been appointed judge trial referees pursuant to subsection  
347 (b) of this section. The judge trial referee shall hear any such case so  
348 referred and report the facts to the court by which the case was  
349 referred.

350 (3) Each judge of the Juvenile Court who ceases or has ceased to  
351 hold office because of retirement other than under the provisions of  
352 section 51-49 and who is an elector and a resident of this state shall be  
353 a state referee for the remainder of such judge's term of office as a  
354 judge and shall be eligible for appointment as a state referee during the  
355 remainder of such judge's life in the manner prescribed by law for the  
356 appointment of a judge of the court of which such judge is a member,  
357 subject to the provisions of section 51-44a, as amended by this act, to  
358 whom a judge before whom any juvenile matter is pending may, with  
359 the written consent of the child concerned, either of such child's  
360 parents, or such child's guardian or attorney, refer any juvenile matter  
361 pending, provided such referee has been appointed a judge trial  
362 referee specifically designated to hear juvenile cases pursuant to  
363 subsection (b) of this section. The judge trial referee shall hear any  
364 matter so referred and report the facts to the court for the district from  
365 which the matter was referred.

366 (4) In addition to the judge trial referees who are appointed  
367 pursuant to subdivision (1), (2) or (3) of this subsection, the Chief  
368 Justice may appoint, from qualified members of the bar of the state,  
369 who are electors and residents of this state, as many state referees as  
370 the Chief Justice may from time to time deem advisable or necessary.  
371 No appointment of a member of the bar may be for a term of more  
372 than three years. Notwithstanding the provisions of subsection (f) of  
373 this section, state referees appointed by the Chief Justice from

374 members of the bar shall receive such reasonable compensation and  
375 expenses as may be determined by the Chief Justice. The Superior  
376 Court may appoint a state referee pursuant to this subdivision to take  
377 such evidence as it directs in any civil [.] nonjury case including, but  
378 not limited to, appeals under section 8-8. Any such state referee shall  
379 report on such evidence to the court with any findings of fact. The  
380 report shall constitute a part of the proceeding upon which the  
381 determination of the court shall be made.

382 Sec. 5. Section 51-51k of the general statutes is repealed and the  
383 following is substituted in lieu thereof (*Effective October 1, 2009*):

384 (a) There is hereby established a Judicial Review Council to be  
385 composed of the following members: (1) Three judges of the Superior  
386 Court, who are not also judges of the Supreme Court, who shall be  
387 appointed by the Governor, from a list of six judges selected by the  
388 members of the Superior Court, with the approval of the General  
389 Assembly, (2) three attorneys-at-law admitted to practice in this state,  
390 who shall be appointed by the Governor with the approval of the  
391 General Assembly, (3) six persons who are not judges or attorneys-at-  
392 law, who shall be appointed by the Governor with the approval of the  
393 General Assembly, and (4) thirteen alternate members who shall be  
394 appointed by the Governor with the approval of the General  
395 Assembly, as follows: (A) Two judges of the Superior Court who are  
396 not also judges of the Supreme Court, from a list of four judges  
397 selected by the members of the Superior Court, (B) two attorneys-at-  
398 law admitted to practice in this state, (C) three persons who are not  
399 judges or attorneys-at-law, (D) three compensation commissioners,  
400 and (E) three family support magistrates.

401 (b) An alternate member who is a judge, attorney-at-law or person  
402 who is not a judge or attorney-at-law shall serve at probable cause  
403 hearings and public hearings in lieu of a member who is a judge,  
404 attorney-at-law or person who is not a judge or attorney-at-law,  
405 respectively, when such member is absent or disqualified, as

406 designated by the executive director of the council. An alternate  
407 member who is a compensation commissioner shall serve as a member  
408 of the council in lieu of one of the members who is a judge of the  
409 Superior Court, as designated by the executive director, when the  
410 subject of a complaint or investigation is a compensation  
411 commissioner. An alternate member who is a family support  
412 magistrate shall serve as a member of the council in lieu of one of the  
413 members who is a judge of the Superior Court, as designated by the  
414 executive director, when the subject of a complaint or investigation is a  
415 family support magistrate. An alternate member shall have the same  
416 power as the member he or she is temporarily replacing during the  
417 absence or disqualification of the member.

418 (c) On and after December 1, 1992, members shall be appointed in  
419 accordance with subsection (a) of this section as follows: One judge  
420 shall be appointed for a term of two years, one judge shall be  
421 appointed for a term of three years and one judge shall be appointed  
422 for a term of four years; one attorney shall be appointed for a term of  
423 two years, one attorney shall be appointed for a term of three years  
424 and one attorney shall be appointed for a term of four years; two lay  
425 members shall be appointed for terms of two years, two lay members  
426 shall be appointed for terms of three years, and two lay members shall  
427 be appointed for terms of four years. Thereafter, members shall serve  
428 for terms of four years. Members may continue in office until a  
429 successor is appointed and qualified. No member appointed on or  
430 after December 1, 1992, may serve consecutive terms, and if the  
431 member is an attorney, no member of his or her firm may serve a term  
432 consecutive to such member, provided no member may serve for more  
433 than two terms. Vacancies on the council shall be filled for the  
434 unexpired portion of any term in the same manner as the original  
435 appointment. Any member who is a judge, family support magistrate  
436 or compensation commissioner and retires from full-time active service  
437 as a judge, family support magistrate or compensation commissioner  
438 shall automatically cease to be a member of the council, and a vacancy  
439 shall be deemed to occur. Alternate members shall be appointed for

440 terms of three years and shall not serve consecutive terms as alternate  
441 members.

442 (d) No member of the council, except a judge, family support  
443 magistrate or compensation commissioner, may hold any elected or  
444 appointed position with compensation within the state or United  
445 States, or be a selectman or chief executive officer of any municipality,  
446 or a full or part-time employee of the Judicial Department or Workers'  
447 Compensation Commission, or a member of a national or state central  
448 committee, or a chairperson of any political party.

449 (e) (1) The Judicial Review Council shall employ an executive  
450 director and such other staff as is necessary for the performance of its  
451 functions and duties.

452 (2) The executive director may investigate any complaint filed  
453 pursuant to section 51-51l, as amended by this act, and present  
454 evidence obtained pursuant to any such investigation to the council.

455 (f) The Judicial Review Council shall develop a concise brochure  
456 written in plain language to provide the public with information  
457 concerning the purpose, authority, jurisdiction and process of the  
458 Judicial Review Council. The council shall distribute the brochure to all  
459 court administrative offices and to any person who files a complaint  
460 pursuant to section 51-51l, as amended by this act.

461 (g) The council shall give notice of the time and place of its  
462 meetings, and make the agendas for such meetings available to the  
463 public, in accordance with the provisions of chapter 14, except that an  
464 agenda made available to the public shall not contain any personally  
465 identifiable information that might identify the respondent unless the  
466 meeting takes place after the council has found that probable cause  
467 exists that the respondent is guilty of conduct under section 51-51i. The  
468 council shall post such notices and agendas on its Internet web site and  
469 provide such notices and agendas to the cochairpersons of the joint  
470 standing committee of the General Assembly having cognizance of

471 matters relating to the judiciary.

472 (h) In any proceeding before the council concerning a judge or  
473 family support magistrate, the council shall not consider any ethics  
474 advisory opinion issued by the Judicial Branch or any committee  
475 thereof or inquire as to whether the judge or family support magistrate  
476 sought or received any ethics advisory opinion.

477 [(g)] (i) The Judicial Review Council shall submit to the Governor,  
478 the Judicial Department, the joint standing committee of the General  
479 Assembly having cognizance of matters relating to the Judicial Review  
480 Council, and the judges of the Superior Court annually on or before  
481 September first, a report of its activities for the previous fiscal year,  
482 including the number of complaints received and the number of each  
483 type of complaint disposition, including the number of dismissals, the  
484 number of admonishments and the number of cases in which probable  
485 cause was found.

486 [(h)] (j) The Commissioner of Public Works shall provide the  
487 Judicial Review Council office space for the conduct of duties of the  
488 council.

489 [(i)] (k) The Judicial Review Council shall adopt regulations, in  
490 accordance with the provisions of chapter 54, to establish rules and  
491 procedures for the council in the discharge of its duties under this  
492 chapter and to provide standards for the identification of and  
493 procedures for the treatment of conflicts of interest for council  
494 members, which standards shall require that any professional or  
495 ethical codes of conduct shall apply to any professional member of the  
496 council subject to such codes of conduct.

497 Sec. 6. Section 51-51l of the general statutes is repealed and the  
498 following is substituted in lieu thereof (*Effective October 1, 2009*):

499 (a) Except as provided in subsection (d) of this section, the Judicial  
500 Review Council shall investigate every written complaint brought



501 before it alleging conduct under section 51-51i, and may initiate an  
502 investigation of any judge, compensation commissioner or family  
503 support magistrate if (1) the council has reason to believe conduct  
504 under section 51-51i has occurred, or (2) previous complaints indicate a  
505 pattern of behavior which would lead to a reasonable belief that  
506 conduct under section 51-51i has occurred. The council shall, not later  
507 than five days after such initiation of an investigation or receipt of such  
508 complaint, notify by registered or certified mail any judge,  
509 compensation commissioner or family support magistrate under  
510 investigation or against whom such complaint is filed. A copy of any  
511 such complaint shall accompany such notice. The council shall also  
512 notify the complainant of its receipt of such complaint not later than  
513 five days thereafter. Any investigation to determine whether or not  
514 there is probable cause that conduct under section 51-51i has occurred  
515 shall be confidential and any individual called by the council for the  
516 purpose of providing information shall not disclose [his] such  
517 individual's knowledge of such investigation to a third party prior to  
518 the decision of the council on whether probable cause exists, unless the  
519 respondent requests that such investigation and disclosure be open,  
520 [provided] except that (A) information known or obtained  
521 independently of any such investigation shall not be confidential, and  
522 (B) the council may, upon request and after providing the judge,  
523 compensation commissioner or family support magistrate who is the  
524 subject of the investigation an opportunity to be heard, disclose that an  
525 investigation is being conducted if the council determines that (i) the  
526 essential facts underlying the investigation have been widely made  
527 public, and (ii) preserving public confidence in the administration of  
528 justice outweighs the privacy interest of the judge, compensation  
529 commissioner or family support magistrate who is the subject of the  
530 investigation. The judge, compensation commissioner or family  
531 support magistrate shall have the right to appear and be heard and to  
532 offer any information which may tend to clear [him] such judge,  
533 compensation commissioner or family support magistrate of probable  
534 cause to believe he or she is guilty of conduct under section 51-51i. The

535 judge, compensation commissioner or family support magistrate shall  
536 also have the right to be represented by legal counsel and examine and  
537 cross-examine witnesses. In conducting its investigation under this  
538 subsection, the council may request that a court furnish to the council a  
539 record or transcript of court proceedings made or prepared by a court  
540 reporter, assistant court reporter or monitor and the court shall, upon  
541 such request, furnish such record or transcript.

542 (b) The Judicial Review Council shall, not later than three business  
543 days after the termination of such investigation, notify the  
544 complainant, if any, and the judge, compensation commissioner or  
545 family support magistrate that the investigation has been terminated  
546 and the results thereof. If the council finds that conduct under section  
547 51-51i has not occurred, but the judge, compensation commissioner or  
548 family support magistrate has acted in a manner which gives the  
549 appearance of impropriety or constitutes an unfavorable judicial or  
550 magisterial practice, the council may issue an admonishment to the  
551 judge, compensation commissioner or family support magistrate  
552 recommending a change in judicial or magisterial conduct or practice.  
553 If an admonishment is issued, the council shall (1) notify the joint  
554 standing committee of the General Assembly having cognizance of  
555 matters relating to the judiciary that an admonishment was issued and  
556 provide said committee with the substance of the admonishment,  
557 including copies of the complaint file, and (2) inform the complainant,  
558 if any, that an admonishment was issued if the admonishment is the  
559 result of misconduct alleged in the complaint. Except as provided in  
560 subdivision (1) of this subsection, the substance of the admonishment  
561 shall not be disclosed to any person or organization.

562 (c) If a preliminary investigation indicates that probable cause exists  
563 that the judge, compensation commissioner or family support  
564 magistrate is guilty of conduct under section 51-51i, the council shall  
565 hold a hearing concerning the conduct or complaint. All hearings held  
566 pursuant to this subsection shall be open. A judge, compensation  
567 commissioner or family support magistrate appearing before such a

568 hearing shall be entitled to counsel, to present evidence and to cross-  
569 examine witnesses. The council shall make a record of all proceedings  
570 pursuant to this subsection. After all evidence and arguments have  
571 been presented at such hearing, the council shall determine whether  
572 the judge, compensation commissioner or family support magistrate is  
573 guilty of conduct under section 51-51i. The council shall not later than  
574 thirty days after the close of such hearing publish its findings together  
575 with a memorandum of its reasons therefor. The entire record of the  
576 proceedings pursuant to this subsection including any complaint,  
577 transcripts and statements and other documents introduced into  
578 evidence during such proceedings shall be open for public inspection,  
579 except that any information that would be exempt from disclosure  
580 under subsection (b) of section 1-210 shall be removed or redacted.

581 (d) No complaint against a judge, compensation commissioner or  
582 family support magistrate alleging conduct under section 51-51i shall  
583 be brought under this section but within one year from the date the  
584 alleged conduct occurred or was discovered or in the exercise of  
585 reasonable care should have been discovered, except that no such  
586 complaint may be brought more than three years from the date the  
587 alleged conduct occurred.

588 (e) Notwithstanding the provisions of subsections (a) and (b) of this  
589 section, the council shall disclose any information concerning  
590 complaints received by the council on and after January 1, 1978,  
591 investigations, and disposition of such complaints to the legislative  
592 program review and investigations committee when requested by the  
593 committee in the course of its functions, in writing and upon a  
594 majority vote of the committee, provided no names or other  
595 identifying information shall be disclosed.

596 (f) On and after December 19, 1991, any judge, compensation  
597 commissioner or family support magistrate who has been the subject  
598 of an investigation by the Judicial Review Council as a result of a  
599 complaint brought before [such] the council may request that such

600 complaint, investigation and the disposition of such complaint be open  
601 to public inspection.

602 (g) Whenever a complaint against a judge, compensation  
603 commissioner or family support magistrate is pending before the  
604 Judicial Review Council within the final year of the term of office of  
605 such judge, compensation commissioner or family support magistrate,  
606 the Judicial Review Council shall designate such complaint as  
607 privileged and shall conduct an expedited investigation and hearing so  
608 that its duties with respect to such complaint are completed in  
609 sufficient time to enable the Judicial Review Council to [make its  
610 recommendation concerning any such judge to the Judicial Selection  
611 Commission and] submit its report concerning such complaint to the  
612 Governor, the Judicial Selection Commission and the joint standing  
613 committee of the General Assembly having cognizance of matters  
614 relating to the judiciary, as required under section 51-51q, as amended  
615 by this act, in a timely manner.

616 Sec. 7. Subsection (a) of section 51-51m of the general statutes is  
617 repealed and the following is substituted in lieu thereof (*Effective*  
618 *October 1, 2009*):

619 (a) The Judicial Review Council may take any action upon a  
620 majority vote of its members present and voting, except that twelve  
621 members of the Judicial Review Council shall constitute a quorum for  
622 any action to publicly censure a judge, compensation commissioner or  
623 family support magistrate, suspend a judge, compensation  
624 commissioner or family support magistrate for any period, refer the  
625 matter to the Supreme Court with a recommendation that a judge or  
626 family support magistrate be suspended for a period longer than one  
627 year, [or] refer the matter to the Supreme Court with a  
628 recommendation that a judge or family support magistrate be removed  
629 from office or to the Governor with a recommendation that a  
630 compensation commissioner be removed from office or impose a civil  
631 penalty on a judge, compensation commissioner or family support

632 magistrate and the concurring vote of seven of such members shall be  
633 required.

634 Sec. 8. Subsection (a) of section 51-51n of the general statutes is  
635 repealed and the following is substituted in lieu thereof (*Effective*  
636 *October 1, 2009*):

637 (a) The Judicial Review Council may, after a hearing pursuant to  
638 subsection (c) of section 51-51l, as amended by this act, (1) publicly  
639 censure the judge, compensation commissioner or family support  
640 magistrate, (2) suspend the judge, compensation commissioner or  
641 family support magistrate for a definite term not to exceed one year,  
642 (3) refer the matter to the Supreme Court with a recommendation that  
643 the judge or family support magistrate be suspended for a period  
644 longer than one year, (4) refer the matter to the Supreme Court with a  
645 recommendation that the judge or family support magistrate be  
646 removed from office or to the Governor with a recommendation that  
647 the compensation commissioner be removed from office, or (5)  
648 exonerate the judge, compensation commissioner or family support  
649 magistrate of all charges. In lieu of imposing a suspension under  
650 subdivision (2) of this subsection, the council may impose a civil  
651 penalty of not more than ten thousand dollars per violation.

652 Sec. 9. Section 51-51q of the general statutes is repealed and the  
653 following is substituted in lieu thereof (*Effective October 1, 2009*):

654 (a) (1) [The] Whenever a judge is nominated for reappointment to  
655 the same court or appointment to a different court, the Judicial Review  
656 Council shall submit [its recommendations concerning the nomination  
657 for appointment to a different court of any judge or nomination for  
658 reappointment of any judge whose term of office is about to expire,  
659 including] a report of any complaint filed against [any] such judge and  
660 the disposition of any such complaint, [and] including any  
661 investigation of any such judge by the council, to the Governor, to the  
662 Judicial Selection Commission and to the joint standing committee of  
663 the General Assembly having cognizance of matters relating to the

664 judiciary, provided the Judicial Selection Commission shall not  
665 consider any investigation of the Judicial Review Council which  
666 resulted in the exoneration of a judge.

667 (2) In addition to the information required to be submitted under  
668 subdivision (1) of this subsection, the Judicial Review Council shall  
669 make all complaint files concerning any such judge available to the  
670 joint standing committee of the General Assembly having cognizance  
671 of matters relating to the judiciary. Notwithstanding any provision of  
672 the general statutes, if the disposition of a complaint filed against any  
673 such judge involved the issuance of an admonishment to [or] such  
674 judge, the public censure or suspension of such judge or the imposition  
675 of a civil penalty against such judge, (A) no information pertaining to  
676 the complaint and the investigation and disposition of such complaint  
677 may be removed, redacted or otherwise withheld by the Judicial  
678 Review Council prior to making such complaint files available to said  
679 committee as required by this subdivision, and (B) the Judicial Review  
680 Council shall provide to said committee any information, including,  
681 but not limited to, any confidential information, in its possession  
682 concerning such judge that may be requested in writing by the  
683 cochairpersons of said committee. Such information shall be provided  
684 to said committee not later than three business days following the date  
685 the request is received by the Judicial Review Council. Any  
686 confidential information provided to said committee as required by  
687 this subdivision shall not be further disclosed to any person or  
688 organization.

689 [(3) If the Judicial Review Council has reason to believe any such  
690 judge is guilty of conduct under section 51-51i, material neglect of duty  
691 or incompetence in the conduct of his office, it may refuse to  
692 recommend such judge for nomination for appointment to a different  
693 court or for reappointment. The Judicial Review Council shall not  
694 recommend a judge for nomination for appointment to a different  
695 court or for reappointment if the council finds such judge has wilfully  
696 violated section 51-39a or has been convicted of a felony or of a

697 misdemeanor involving moral turpitude.]

698 (b) The Judicial Review Council shall submit [its recommendations  
699 concerning the reappointment of any family support magistrate whose  
700 term of office is about to expire, including] a report of any complaint  
701 filed against any family support magistrate whose term of office is  
702 about to expire and the disposition of any such complaint, including  
703 any investigation of any such magistrate by the council, to the  
704 Governor.

705 (c) The Judicial Review Council shall submit [its recommendations  
706 concerning the nomination for reappointment of any compensation  
707 commissioner whose term of office is about to expire, including] a  
708 report of any complaint filed against any compensation commissioner  
709 whose term of office is about to expire and the disposition of such  
710 complaint, including any investigation of such compensation  
711 commissioner by the council, to the Governor and to the joint standing  
712 committee of the General Assembly having cognizance of matters  
713 relating to the judiciary. The Judicial Review Council shall provide  
714 information to said committee concerning [any complaint filed against  
715 such compensation commissioner and the investigation and  
716 disposition of such complaint,] such complaint, disposition and  
717 investigation including, but not limited to, confidential information, in  
718 the same manner and subject to the same requirements as information  
719 provided under subdivisions (1) and (2) of subsection (a) of this  
720 section.

721 (d) If a complaint against any such judge, compensation  
722 commissioner or family support magistrate is received by the Judicial  
723 Review Council and the Judicial Review Council is unable to make its  
724 findings and complete its duties with respect to such judge,  
725 compensation commissioner or family support magistrate prior to the  
726 expiration of the term of office of such judge, compensation  
727 commissioner or family support magistrate, the Judicial Review  
728 Council [shall not refuse to recommend such judge, compensation

729 commissioner or family support magistrate for reappointment based  
730 on such complaint, but] shall report the fact of such complaint to the  
731 Governor and to the joint standing committee of the General Assembly  
732 having cognizance of matters relating to the judiciary.

733 Sec. 10. Section 51-51r of the general statutes is repealed and the  
734 following is substituted in lieu thereof (*Effective October 1, 2009*):

735 Any judge or family support magistrate aggrieved by any decision  
736 of the Judicial Review Council may appeal the decision to the Supreme  
737 Court in accordance with such procedure for the appeal as the  
738 Supreme Court shall adopt by rule. In reviewing the factual findings of  
739 the council, the Supreme Court shall ascertain whether there was  
740 substantial evidence to support those findings and in reviewing the  
741 legal conclusions of the council, the Supreme Court shall conduct a de  
742 novo review.

743 Sec. 11. Section 51-1b of the general statutes is repealed and the  
744 following is substituted in lieu thereof (*Effective July 1, 2009*):

745 (a) The Chief Justice of the Supreme Court shall be the head of the  
746 Judicial Department and shall be responsible for its administration.

747 (b) The Chief Justice shall appoint a Chief Court Administrator who  
748 shall serve at the pleasure of the appointing Chief Justice but not  
749 beyond the date the appointing Chief Justice ceases to hold said office,  
750 except that the Chief Court Administrator may continue to serve until  
751 a successor is appointed. If the Chief Court Administrator is a judge of  
752 the Superior Court, Appellate Court or Supreme Court, cessation of his  
753 or her service as Chief Court Administrator shall not affect his or her  
754 term as judge of the Superior Court, Appellate Court or Supreme  
755 Court.

756 Sec. 12. Section 45a-74 of the general statutes is repealed and the  
757 following is substituted in lieu thereof (*Effective July 1, 2009*):

758 (a) [There shall be a Probate Court Administrator who shall be



759 appointed from among the judges of the several courts of probate by  
 760 the Chief Justice of the Supreme Court to serve at his pleasure.] The  
 761 Chief Justice of the Supreme Court shall appoint a Probate Court  
 762 Administrator who shall serve at the pleasure of the appointing Chief  
 763 Justice but not beyond the date the appointing Chief Justice ceases to  
 764 hold said office, except that the Probate Court Administrator may  
 765 continue to serve until a successor is appointed. The Probate Court  
 766 Administrator shall be a judge of probate, former judge of probate or  
 767 an attorney having at least eight years experience in probate law. If the  
 768 Probate Court Administrator is unable by reason of sickness, absence  
 769 or other disability to perform the duties of [his] the office, or if there is  
 770 a vacancy in the office of Probate Court Administrator, the Chief  
 771 Justice shall designate [another] a judge of [a court of] probate to act  
 772 [in his stead until he] as Probate Court Administrator until the  
 773 appointed Probate Court Administrator resumes his or her duties or  
 774 until a new Probate Court Administrator is appointed.

775 (b) The Probate Court Administrator shall devote full time to the  
 776 duties of [his] the office except that he or she may serve as a judge of  
 777 probate but shall not engage in the private practice of law. [Any  
 778 Probate Court Administrator who ceases to serve as a judge of probate  
 779 may continue to serve as Probate Court Administrator at the pleasure  
 780 of the Chief Justice.] If the Probate Court Administrator is a judge of  
 781 probate, cessation of his or her service as Probate Court Administrator  
 782 shall not affect his or her term as judge of probate.

783 Sec. 13. Subdivision (1) of section 1-200 of the general statutes is  
 784 repealed and the following is substituted in lieu thereof (*Effective July*  
 785 *1, 2009*):

786 (1) "Public agency" or "agency" means:

787 (A) Any executive, administrative or legislative office of the state or  
 788 any political subdivision of the state and any state or town agency, any  
 789 department, institution, bureau, board, commission, authority or  
 790 official of the state or of any city, town, borough, municipal

791 corporation, school district, regional district or other district or other  
792 political subdivision of the state, including any committee of, or  
793 created by, any such office, subdivision, agency, department,  
794 institution, bureau, board, commission, authority or official, and also  
795 includes any judicial office, official, or body or committee thereof but  
796 only with respect to its or their administrative functions. With respect  
797 to such judicial office, official, or body or committee thereof,  
798 "administrative functions" means those matters that relate to the  
799 management of the internal institutional operations of the judicial  
800 branch including, but not limited to, budgeting, accounting, personnel,  
801 facilities, physical operations, contracting, docketing and scheduling;

802 (B) Any person to the extent such person is deemed to be the  
803 functional equivalent of a public agency pursuant to law; or

804 (C) Any "implementing agency", as defined in section 32-222.

805 Sec. 14. (NEW) (*Effective July 1, 2009*) (a) Whenever the Office of the  
806 Chief Court Administrator receives a written complaint concerning the  
807 conduct of a judge, the Chief Court Administrator shall, in addition to  
808 any administrative reasons for reviewing such complaint, review such  
809 complaint to determine if there is reason to believe that the allegations  
810 warrant further investigation by the Judicial Review Council. If the  
811 Chief Court Administrator determines that such further investigation  
812 is warranted, he or she shall refer such complaint to the Judicial  
813 Review Council for investigation and action in accordance with  
814 chapter 872a of the general statutes.

815 (b) If the Chief Court Administrator, in consultation with the Chief  
816 Justice, determines that the complaint is (1) without merit, (2) properly  
817 the subject of review through an existing adjudicatory procedure, or  
818 (3) otherwise not within the purview of the Office of the Chief Court  
819 Administrator, such complaint shall not be open to the public.

820 (c) If the Chief Court Administrator, in consultation with the Chief  
821 Justice, determines that the complaint warrants administrative action,

822 but does not rise to the level that is appropriate for referral to the  
823 Judicial Review Council, the Chief Court Administrator may issue an  
824 admonishment in accordance with section 51-45a of the general  
825 statutes.

826 Sec. 15. (NEW) (*Effective July 1, 2009*) The judicial branch shall make  
827 the criminal docket of the Superior Court, including the docket  
828 number, name of the defendant, year of birth of the defendant and  
829 charge, available to the public on its Internet web site.

830 Sec. 16. (NEW) (*Effective October 1, 2009*) The judicial branch shall  
831 make conviction information, as defined in section 54-142g of the  
832 general statutes, available to the public on its Internet web site. Such  
833 information shall include the docket number of the case, name of the  
834 defendant, year of birth of the defendant, date of arrest, charges and  
835 disposition including any fine, term of imprisonment and term of  
836 probation imposed by the court, but shall not include the address or  
837 motor vehicle operator license number of the defendant. Such  
838 information shall be searchable by name of defendant, year of birth of  
839 defendant and docket number. Conviction information with respect to  
840 misdemeanors shall not be available to the public on the judicial  
841 branch or other public agency web site after five years from the date of  
842 the conviction.

843 Sec. 17. (NEW) (*Effective July 1, 2009*) The Judicial Branch shall  
844 include a link on the home page of its Internet web site to the Internet  
845 web site of the Judicial Review Council and to the Internet web site of  
846 the Judicial Selection Commission.

847 Sec. 18. (NEW) (*Effective July 1, 2009*) Any police report used during  
848 a court hearing as the basis for a judicial determination of probable  
849 cause, whether or not probable cause has been found, shall be made  
850 part of the court file and be open to the public unless the court, on  
851 motion of any party or on its own motion, orders, for good cause  
852 shown, all or a portion of the report to be sealed for a period of seven  
853 days. If such motion is granted, the moving party may make a

854 recommendation not later than seven days after such order as to the  
855 details of the sealing order, including the duration thereof. If no such  
856 recommendation is made, the report shall be made public after said  
857 seven-day period.

858 Sec. 19. Subsection (c) of section 19a-343a of the general statutes is  
859 repealed and the following is substituted in lieu thereof (*Effective July*  
860 *1, 2009*):

861 (c) If in the application, the state requests the issuance of a  
862 temporary ex parte order for the abatement of a public nuisance, the  
863 court [.] or, if the court is not in session, any judge of the Superior  
864 Court, may grant a temporary ex parte order to abate the public  
865 nuisance. The court or judge shall direct the state to give notice and  
866 service of such documents, including a copy of the ex parte order, in  
867 accordance with subsection (b) of this section. At such hearing, any  
868 defendant may show cause why the abatement order shall be modified  
869 or vacated. No such ex parte order may be granted unless it appears  
870 from the specific facts shown by affidavit and by complaint that there  
871 is probable cause to believe that a public nuisance exists and the  
872 temporary relief requested is necessary to protect the public health,  
873 welfare or safety. Such show cause hearing shall be scheduled within  
874 five business days after service is effected by the state. [The affidavit  
875 may be ordered sealed by the court or judge upon a finding that the  
876 state's interest in nondisclosure substantially outweighs the  
877 defendant's right to disclosure.] A copy of the state's application and  
878 the temporary order to cease and desist shall be posted on any outside  
879 door to any building on the real property.

880 Sec. 20. Section 51-164x of the general statutes is repealed and the  
881 following is substituted in lieu thereof (*Effective July 1, 2009*):

882 (a) Any person affected by a court order which prohibits any person  
883 from attending any session of court, except any session of court  
884 conducted pursuant to section 46b-11, 46b-49, 46b-122 or 54-76h, [or  
885 any other provision of the general statutes under which the court is

886 authorized to close proceedings, whether at a pretrial or trial stage,]  
887 shall have the right to the review of such order by the filing of a  
888 petition for review with the Appellate Court [within seventy-two  
889 hours from] not later than three business days after the issuance of  
890 such court order.

891 (b) No order subject to review pursuant to subsection (a) of this  
892 section shall be effective until [seventy-two hours] the fourth business  
893 day after it has been issued, and the timely filing of any petition for  
894 review shall stay the order.

895 (c) Any person affected by a court order that seals or limits the  
896 disclosure of any files, affidavits, documents or other material on file  
897 with the court or filed in connection with a court proceeding, except (1)  
898 any order issued pursuant to section 46b-11 or 54-33c, as amended by  
899 this act, [or any other provision of the general statutes under which the  
900 court is authorized to seal or limit the disclosure of files, affidavits,  
901 documents or materials, whether at a pretrial or trial stage,] and (2)  
902 any order issued pursuant to a court rule that seals or limits the  
903 disclosure of any affidavit in support of an arrest warrant, shall have  
904 the right to the review of such order by the filing of a petition for  
905 review with the Appellate Court [within seventy-two hours from] not  
906 later than three business days after the issuance of such court order.

907 (d) The Appellate Court shall provide an expedited hearing on such  
908 petitions filed pursuant to subsections (a) and (c) of this section in  
909 accordance with such rules as the judges of the Appellate Court may  
910 adopt, consistent with the rights of the petitioner and the parties to the  
911 case.

912 Sec. 21. Subsection (a) of section 53a-39a of the general statutes is  
913 repealed and the following is substituted in lieu thereof (*Effective*  
914 *October 1, 2009*):

915 (a) In all cases where a defendant has been convicted of a  
916 misdemeanor or a felony, other than a capital felony, a class A felony

917 or a violation of section 21a-278, 21a-278a, 53a-55, 53a-56, 53a-56b, 53a-  
918 57, 53a-58 or 53a-70b or any other offense for which there is a  
919 mandatory minimum sentence which may not be suspended or  
920 reduced by the court, after trial or by a plea of guilty without trial, and  
921 a term of imprisonment is part of a stated plea agreement or the  
922 statutory penalty provides for a term of imprisonment, the court may,  
923 in its discretion, order an assessment for placement in an alternate  
924 incarceration program under contract with the Judicial Department. If  
925 the Court Support Services Division recommends placement in an  
926 alternate incarceration program, it shall also submit to the court a  
927 proposed alternate incarceration plan. Upon completion of the  
928 assessment, the court shall determine whether such defendant shall be  
929 ordered to participate in such program as an alternative to  
930 incarceration. If the court determines that the defendant shall  
931 participate in such program, the court shall suspend any sentence of  
932 imprisonment and shall make participation in the alternate  
933 incarceration program a condition of probation as provided in section  
934 53a-30. If the court orders the defendant to participate in an alternate  
935 incarceration program pursuant to such alternate incarceration plan,  
936 such plan, or that portion of such plan ordered by the court, shall be a  
937 matter of public record.

938 Sec. 22. Section 54-33c of the general statutes is repealed and the  
939 following is substituted in lieu thereof (*Effective October 1, 2009*):

940 (a) The applicant for the search warrant shall file the application for  
941 the warrant and all affidavits upon which the warrant is based with  
942 the clerk of the court for the geographical area within which any  
943 person who may be arrested in connection with or subsequent to the  
944 execution of the search warrant would be presented with the return of  
945 the warrant. The warrant shall be executed within ten days and  
946 returned with reasonable promptness consistent with due process of  
947 law and shall be accompanied by a written inventory of all property  
948 seized. A copy of such warrant shall be given to the owner or occupant  
949 of the dwelling, structure, motor vehicle or place designated therein, or

950 the person named therein. Within forty-eight hours of such search, a  
951 copy of the application for the warrant and a copy of all affidavits  
952 upon which the warrant is based shall be given to such owner,  
953 occupant or person. The judge or judge trial referee may, by order,  
954 dispense with the requirement of giving a copy of the affidavits to  
955 such owner, occupant or person at such time if the applicant for the  
956 warrant files a detailed affidavit with the judge or judge trial referee  
957 which demonstrates to the judge or judge trial referee that (1) the  
958 personal safety of a confidential informant would be jeopardized by  
959 the giving of a copy of the affidavits at such time, [or] (2) the search is  
960 part of a continuing investigation [which] that would be adversely  
961 affected by the giving of a copy of the affidavits at such time, or (3) the  
962 giving of such affidavits at such time would require disclosure of  
963 information or material prohibited from being disclosed by chapter  
964 959a. If the judge or judge trial referee dispenses with the requirement  
965 of giving a copy of the affidavits at such time, such order shall not  
966 affect the right of such owner, occupant or person to obtain such copy  
967 at any subsequent time. No such order shall limit the disclosure of  
968 such affidavits to the attorney for a person arrested in connection with  
969 or subsequent to the execution of a search warrant unless, upon  
970 motion of the prosecuting authority within two weeks of such person's  
971 arraignment, the court finds that the state's interest in continuing  
972 nondisclosure substantially outweighs the defendant's right to  
973 disclosure.

974 (b) Any order dispensing with the requirement of giving a copy of  
975 the warrant application and accompanying affidavits to such owner,  
976 occupant or person within forty-eight hours shall be for a specific  
977 period of time, not to exceed two weeks beyond the date the warrant is  
978 executed. Within that time period the prosecuting authority may seek  
979 an extension of such period. Upon the execution and return of the  
980 warrant, affidavits which have been the subject of such an order shall  
981 remain in the custody of the clerk's office in a secure location apart  
982 from the remainder of the court file.

983        (c) Any request by the prosecuting authority, made subsequent to  
 984        an arrest, to extend an order sealing an affidavit in support of a search  
 985        warrant as to such owner, occupant or person shall be a matter of  
 986        public record. An extension of the order shall be granted if the court  
 987        finds that the order is necessary to preserve an interest that is  
 988        determined to override the public's interest in viewing the affidavit, or  
 989        for good cause shown. An oral representation by the prosecuting  
 990        authority that (1) the personal safety of a confidential informant would  
 991        be jeopardized, (2) the search is part of a continuing investigation that  
 992        would be adversely affected, or (3) the unsealing of the affidavit would  
 993        require disclosure of information or material prohibited from being  
 994        disclosed by chapter 959a may be sufficient to establish good cause.  
 995        Any such extension shall be to a date certain, not to exceed ninety days  
 996        from the date of the request. The prosecuting authority may seek more  
 997        than one such extension, but no single extension shall exceed ninety  
 998        days.

999        Sec. 23. Subsection (d) of section 54-56d of the general statutes is  
 1000        repealed and the following is substituted in lieu thereof (*Effective*  
 1001        *October 1, 2009*):

1002        (d) If the court finds that the request for an examination is justified  
 1003        and that, in accordance with procedures established by the judges of  
 1004        the Superior Court, there is probable cause to believe that the  
 1005        defendant has committed the crime for which the defendant is  
 1006        charged, the court shall order an examination of the defendant as to his  
 1007        or her competency. The court may (1) appoint one or more physicians  
 1008        specializing in psychiatry to examine the defendant, or (2) order the  
 1009        Commissioner of Mental Health and Addiction Services to conduct the  
 1010        examination either (A) by a clinical team consisting of a physician  
 1011        specializing in psychiatry, a clinical psychologist and one of the  
 1012        following: A clinical social worker licensed pursuant to chapter 383b or  
 1013        a psychiatric nurse clinical specialist holding a master's degree in  
 1014        nursing, or (B) by one or more physicians specializing in psychiatry,  
 1015        except that no employee of the Department of Mental Health and



1016   Addiction Services who has served as a member of a clinical team in  
1017   the course of such employment for at least five years prior to October  
1018   1, 1995, shall be precluded from being appointed as a member of a  
1019   clinical team. If the Commissioner of Mental Health and Addiction  
1020   Services is ordered to conduct the examination, the commissioner shall  
1021   select the members of the clinical team or the physician or physicians.  
1022   If the examiners determine that the defendant is not competent, the  
1023   examiners shall then determine whether there is a substantial  
1024   probability that the defendant, if provided with a course of treatment,  
1025   will regain competency within the maximum period of any placement  
1026   order under this section. If the examiners determine that there is a  
1027   substantial probability that the defendant, if provided with a course of  
1028   treatment, will regain competency within the maximum period of any  
1029   placement order under this section, the examiners shall then determine  
1030   whether the defendant appears to be eligible for civil commitment,  
1031   with monitoring by the Court Support Services Division, pursuant to  
1032   subdivision (2) of subsection (h) of this section. If the examiners  
1033   determine that there is not a substantial probability that the defendant,  
1034   if provided with a course of treatment, will regain competency within  
1035   the maximum period of any placement order under this section, the  
1036   examiners shall then determine whether the defendant appears to be  
1037   eligible for civil commitment to a hospital for psychiatric disabilities  
1038   pursuant to subsection (m) of this section and make a recommendation  
1039   to the court regarding the appropriateness of such civil commitment.  
1040   The court may authorize a physician specializing in psychiatry, a  
1041   clinical psychologist, a clinical social worker licensed pursuant to  
1042   chapter 383b or a psychiatric nurse clinical specialist holding a master's  
1043   degree in nursing selected by the defendant to observe the  
1044   examination. Counsel for the defendant may observe the examination.  
1045   The examination shall be completed within fifteen days from the date  
1046   it was ordered and the examiners shall prepare and sign, without  
1047   notarization, a written report and file such report with the court within  
1048   twenty-one business days of the date of the order. On receipt of the  
1049   written report, the clerk of the court shall cause copies to be delivered

1050 immediately to the state's attorney and to counsel for the defendant.  
 1051 The written report shall be sealed, but only as to the public, and the  
 1052 contents of the report shall not be disclosed, except during any  
 1053 evidentiary hearing as to the competency of the defendant at which  
 1054 such contents are relied upon by a participant as the basis for  
 1055 testimony, questioning of witnesses, arguments to the court or judicial  
 1056 findings or as otherwise authorized under section 52-146f.

1057 Sec. 24. Subsection (f) of section 54-56d of the general statutes is  
 1058 repealed and the following is substituted in lieu thereof (*Effective*  
 1059 *October 1, 2009*):

1060 (f) If the court, after the evidentiary hearing, finds that the  
 1061 defendant is competent, the court shall continue with the criminal  
 1062 proceedings. If the court finds that the defendant is not competent, the  
 1063 court shall also find whether there is a substantial probability that the  
 1064 defendant, if provided with a course of treatment, will regain  
 1065 competency within the maximum period of any placement order  
 1066 permitted under this section. The court shall state on the record the  
 1067 reasons for the court's finding that the defendant is competent or not  
 1068 competent.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	51-14
Sec. 2	<i>October 1, 2009</i>	51-44a
Sec. 3	<i>October 1, 2009</i>	51-50l(a)
Sec. 4	<i>October 1, 2009</i>	52-434(a)
Sec. 5	<i>October 1, 2009</i>	51-51k
Sec. 6	<i>October 1, 2009</i>	51-51l
Sec. 7	<i>October 1, 2009</i>	51-51m(a)
Sec. 8	<i>October 1, 2009</i>	51-51n(a)
Sec. 9	<i>October 1, 2009</i>	51-51q
Sec. 10	<i>October 1, 2009</i>	51-51r
Sec. 11	<i>July 1, 2009</i>	51-1b
Sec. 12	<i>July 1, 2009</i>	45a-74

Sec. 13	<i>July 1, 2009</i>	1-200(1)
Sec. 14	<i>July 1, 2009</i>	New section
Sec. 15	<i>July 1, 2009</i>	New section
Sec. 16	<i>October 1, 2009</i>	New section
Sec. 17	<i>July 1, 2009</i>	New section
Sec. 18	<i>July 1, 2009</i>	New section
Sec. 19	<i>July 1, 2009</i>	19a-343a(c)
Sec. 20	<i>July 1, 2009</i>	51-164x
Sec. 21	<i>October 1, 2009</i>	53a-39a(a)
Sec. 22	<i>October 1, 2009</i>	54-33c
Sec. 23	<i>October 1, 2009</i>	54-56d(d)
Sec. 24	<i>October 1, 2009</i>	54-56d(f)

***Statement of Purpose:***

To provide for more transparency and accountability of the Judicial Branch.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*